

VZCZCXRO2715
RR RUEHMA RUEHPA
DE RUEHFN #0249/01 1811743
ZNR UUUUU ZZH
R 301743Z JUN 09
FM AMEMBASSY FREETOWN
TO RUEHC/SECSTATE WASHDC 2722
INFO RUEHZK/ECOWAS COLLECTIVE

UNCLAS SECTION 01 OF 02 FREETOWN 000249

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DEPARTMENT FOR AF/W (JHUNTER)

E.O. 12958: N/A
TAGS: [PGOV](#) [PREL](#) [KCRM](#) [KJUS](#) [SL](#)
SUBJECT: WORKING DAY AND NIGHT: SL CORRUPTION FIGHT
CONTINUES

¶1. Summary: Sierra Leone continues to struggle against pervasive corruption, particularly in the public sector, despite the strength of the Anti-Corruption Act amendment passed in 2008. As investigative reporting organizations such as Transparency International begin to include Sierra Leone in their yearly assessments of the region and data on corruption is collected more systematically, the particular nature of corruption in this country can be further teased out. The public is keenly aware that corruption is an endemic problem, and generally supports efforts to convict those involved. However, the ACC has been ruffling feathers with what is sometimes perceived to be an overzealous and unchecked approach. ACC Commissioner Abdul Tejan-Cole told Emboffs in a meeting that he is unconcerned about "making friends" in his line of work, and remains committed to going after the "big fish," potentially with USG help. The ACC is proving itself to be one of the most effective government entities, but the problem facing it remains huge. End Summary.

HIGHLIGHTING CORRUPTION IN SIERRA LEONE

¶2. Transparency International released the 2009 Global Corruption Barometer on June 3, 2009 - a survey tool that assesses general public attitudes toward and experience of corruption. For the first time in its six year history, the Barometer included Sierra Leone in the group of 69 countries polled (Note: Transparency International's Corruption Perceptions Index, a separate instrument which ranks 180 countries by their perceived levels of corruption, as determined by expert assessments and opinion surveys, ranked Sierra Leone 150th in 2007, and 158th in 2008. End Note). Fieldwork for the Barometer was completed in Sierra Leone February 16-27 by Statview International, who conducted 1000 face to face interviews. Sixty-four percent of respondents in Sierra Leone reported that they or someone living in their household had paid a bribe in the last 12 months. On a scale from 1: Not Corrupt, to 5: Extremely Corrupt, Public Officials/Civil Servants (4.3) and the Judiciary (4.3) were perceived as the most corrupt institutions, followed closely by Political Parties (4.0), Business/Private Sector (3.9) and Parliament/Legislature (3.8). The media received a significantly better score at 2.6 on the scale. Most respondents (64%) do believe that the current government's activities in the fight against corruption are effective, with 12% neutral on the topic and 25% classifying efforts as ineffective.

ACC VICTORIES

¶3. On June 9, the former Ombudsman of Sierra Leone was convicted by the High Court of Freetown of 164 counts of misappropriation of public funds. Francis A. Gabbidon was sentenced to 5 years imprisonment or a fee of 49,200,000 Leones (USD 15,462). Further, he is to pay 68,893,000 Leones

(\$21,664) to the Anti-Corruption Commission (ACC) as restitution within two weeks. In passing her judgment, High Court Judge Mary Sey pointed out that the entire account given by the accused was untrue. Gabbidon, on various dates between 2001 and 2007, had misappropriated public funds entrusted to him through "ghost employees." Though the sentence does not appear overly severe, it should be noted that Gabbidon is a very public figure who enjoyed tremendous popularity in the late 80s and early 90s. The public generally welcomed his appointment as Ombudsman during the Kabbah years, but were quick to turn on him when his corrupt deeds became apparent. Despite his notoriety as a lawyer, radio talk show host, and former Member of Parliament, his lack of real political influence contributed to his downfall.

¶4. On June 8, the ACC arraigned Osman Thamu Bangura, Store Keeper in the Minister of Education, and Joe Lappia, former Deputy Director in the Ministry of Education, Bo, Southern Region. Bangura was charged with 16 counts of misappropriation of public property amounting to approximately 310,000,000 Leones (\$100,000). Lappia was charged with 9 counts of misappropriation of public property amounting to approximately 73,000,000 Leones (\$23,600). The accused pleaded not guilty to Justice Mary Sey and were released on conditional bail. The cases were adjourned to the June 25 and July 2, respectively. Given that the Ministry of Education is considered one of the most corrupt ministries in the country, even those relatively low-level cases show commitment to addressing the problem. Focus on locations outside Freetown also demonstrates that the ACC is effectively broadening its reach since the opening of regional offices earlier in the year.

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SOME BACKLASH, DESPITE SUCCESS

¶5. Some backlash has resulted from the ACC's pursuit of corrupt officials within the judicial system, including magistrates and judges. The Sierra Leone Bar Association (SLBA) held an emergency General Meeting on June 12 in which the body formulated a press release condemning the ACC for arresting and taking into custody Justice A.B. Holloway in his chambers on June 8. Holloway was arrested on suspicion of fraud. The SLBA characterizes the arrest as "outrageous" and maintains that the ACC should have invited Holloway to their office rather than create a "public scene" which has the "tendency to undermine the integrity and dignity of the entire judicial system and the confidence of the public in the same." The accusations of the SLBA are baseless, as Section 66 of the Anti-Corruption Act amendment grants the ACC the power to arrest, without warrant, a suspect upon reasonable suspicion of his having committed or being about to commit an offense under the Act. One local media outlet published an article on June 19 stating that the SLBA's position is not supportable and will alienate the organization from all those who hope to eradicate judicial corruption (Note: It is interesting that this particular newspaper, Standard Times, spoke out in support of the ACC. The paper's owner and operator is Gabbidon's niece, and thus expected to be an ACC opponent. End Note).

USG INTEREST

¶6. On June 12, CDA, Poloff, LEGATT and PolAsst met with ACC Commissioner Abdul Tejan-Cole and Deputy Commissioner Morlai Buya Kamara in the ACC offices. The discussion focused primarily on strategies for moving forward with mutual legal assistance and information sharing. LEGATT stated that he will work with DOJ colleagues to explore possibilities for collaboration with the ACC on shared policy goals, including possible extradition of corrupt Sierra Leonean officials living in the U.S. He also expressed his office's desire to work with the ACC to design and provide useful legal

training, beginning with August 2009 classes in Basic Investigation and Interviewing Techniques. Tejan-Cole expressed strong interest in working with the USG to tailor future courses to Sierra Leonean needs, and has been grateful for the USG training provided thus far through the ILEA.

COMMENT

[¶7](#). Post continues to be impressed by the ACC's work, noting that its momentum is due at least in part to having its own cadre of dedicated prosecutors and justices: in other parts of the legal system, cases can languish for months or years due to full dockets and limited numbers of public prosecutors available. Tejan-Cole seems to be pushing hard to work on significant cases, with even current and former Cabinet Ministers questioned regarding their conduct. Gabbidon's conviction and Holloway's arrest signify that there is political will to take on popular or influential people, though much work remains to address corruption at all levels. It must be noted that the ACC receives significant funding from the UK's Justice Sector Development Program, which pays for at least some of the critical personnel including the prosecutors. The USG should consider, besides assisting with training and exploring mutual legal assistance opportunities, providing sustained funding to prevent inertia and further support the ACC's efforts. The ACC appears to be one of the only government agencies in which donor funds are used effectively and accountably. End Comment.

FEDZER